



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7574 of 2018

1 KATCHAMMAL
2 ATHISIVAN
3 SIVAKUMAR

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
(CR.NO.83/2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.SIVAPRAKASH, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

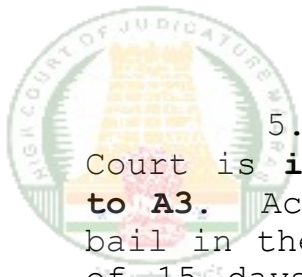
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 427, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.83 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the de-facto complainant regarding civil dispute. On the date of occurrence, ie., on 24.04.2018, the petitioners attacked the de-facto complainant.

3.The learned counsel for the petitioners submitted that this is a case in counter and the petitioners are innocent persons and they did not commit any offences as alleged by the prosecution.

4.The learned Government Advocate [Criminal side] appearing for the respondent Police on instruction would submit that the petitioners caused damage to 70 banana trees, worth about Rs.3,000/- [Rupees Three Thousand only].



5. Considering the facts and circumstances of the case, this Court is **inclined to grant anticipatory bail to the petitioners/A1 to A3.** Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District, on condition that shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)**.

sd/-

09/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAIYUR,
MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVAPRAKASH, Advocate SR.No.65206